

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK COUNTY OF MONROE

JAMES O. YOUNG

PLAINTIFF

Affidavit of 1st
Class Mail Service

against

42 U.S.C.S. 1983

Index No. 24-CV-6366-FPG

MONROE COUNTY (MUNICIPALITY)

monroe county sheriff "Todd Baxter"

Monroe County "SGT. Prince"

Monroe County "CPL Thorpe"

RESPONDANTS

JURY DEMAND FOR TRIAL



PLEASE LET IT BE KNOWN; The above Plaintiff, James O. Young,
being duly deposed and sworn does hereby state:

I/I is part of the enclosed action, over the age of 18 years of age
and did mail "Truew Copies" of the nclosed by placing the documents
in a pre-paid package, placing such pacjng said package in the Prison
mail recepticale under the exclusive control of the U.S. Postal Serv.

Copies of Affidavit of Service, Motion, and Affidavit were mailed
from Upstate Correctional PO Box 2001 M lone NY 12953, and sent to Chiel Clerk,
2012 US Courthouse 100 State St. Rochester, NY 14614 upon this 7
day of JUNE, 2024 8 ~~am~~ (pm)

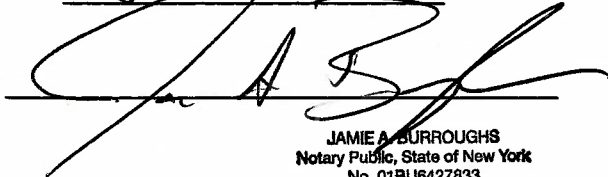
DATED:

June 7 2024


James O. Young Pro-Se

sworn before me this 7th day

of JUNE 2024.



JAMIE A. BURROUGHS
Notary Public, State of New York
No. 01BU6427833
Qualified in Franklin County
My Commission Expires January 03, 2026

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK COUNTY MONROE

James O. Young

Plaintiff

MOTION

vs.

\$@42 USCA 1983

Monroe County (municipality)

Index#: 6:22-cv-06471

Monroe County Sheriff "TODD BAXTER"

Monroe County "SGT. PRINCE"

Jury Trail Demanded

Monroe County "CPL THROPE"

Defendant(s)

PRELIMINARY STATEMENT:

— This "Pro-Se" civil action, liberally and generally construed is brought under 42 U.S.C.A. 1983, where herin the Plaintiff James O. Young hereinafter known as the "Plaintiff"; bring action of the above mentioned defendants and an all in their individual/professional capacities. Defendant 1 "Monroe County (municipality. Defendant 2 "Monroe County Sheriff "Todd Baxter", Defendant 3 Monroe County "SGT. Prince" and Monroe County CPL ~~XXXX~~ Thorpe". Under this action there comes this claim of violation of "Clearly Established RIGHT" and the guarantee those rights protect since 1791.

These named defendants failed in training or being trained, willful indifference to the safety of Plaintiff, wantonly putting the Plaintiff in serious danger and having personal knowledge of knowing or should have known their actions created undue harm from physical violence from other I/I, and wantonly did the actions.

Amendment 1 violation of Freedom of Speech and to address the government for grievances, Amendment 4 People to be free and secure in their persons, papers, Amendment 11 To not deprive a person life liberty and property without Due Process, Amendment 8 Cruel and unusual punishment, Amendment 14 Due Process and Equal Protection.

COMPLAINT AND ARGUMENT:

1. On or about October 4, 2022 Dep. BelMonte (Law Library Dep.) brought "legal Mail", a full color catalog from the US Sent-enticing Commission to be photocopied and given to Plaintiff.
2. Plaintiff asked the Dep^{ly} Belmonte to check with the on duty SGT to see if the jail did not photocopy the catalog for the copying makes the catalog hard to read and pages go missinn.
3. First Lock-In at 5 p.m. Plaintiff was om bunk when SGT Price opened cell door and when Plaintiff asked what was up? The SGT Price became extremely hostile and thern tossed the photo copied catalog into the Plaintiffd cell on the floor and did state "You do NOT have the right to F***ing decline any mail, you don't run this F***ing jail, WEDO!!". The door to cell 29 then slams shut.
4. Arounbd lock-in time (9 p.m.) SGT Prince returned to Plain-iffs cell door 29 and stated "Here id the copy of the Legal Mail" as it was placed upon the bunk. Plaintiff did notice a new recruit was with SGT Prince. Plaintiff verbally apologized for upsetting the SGT to which SGT Prince states "I was not mad and I did not throw anything" then she slammed the door and went about her rounds.
5. Monroe County Jail has tower units for min, med, and max I/I for Felons of serious nature there is the "Main Frame" which does not have the same emmentities as the towers do (vending machine i.e.). The Main Frame is also much much smaller in cell size to.
6. During the process of intake and such, the I/I charges tothe voilation are recorded in the computer and any and all Sheridd deputies known of such charges to make housng more ammicable.

and for security and safety for the I/I.

7. The Monroe County Jails "Main Frame" housing unit is used to house Max. I/I only and it used for punishment for when a Min. or Med. I/I cannot get along in the Tower Units.
8. According to Deputies from Monroe County Jail, they state that they can move any I/I for any reason and at anytime they choose, regardless of safety, security and good order of the jail.
9. Upon October 5, 2022 or therein, ~~XXXX~~ Thorpe CPL. entered the Plaintiffs housing unit requesting to speak out in the hallway. Plaintiff went to hall and was told that they were going to move Plaintiff. When asked where they were moving Plaintiff to, CPL. Thorpe said "I have order ticket to re-house you to the "FRAME".
10. Plaintiff made it specifically clear that he should not be re-housed in the "Frame" due to the type of charges Plaintiff was convicted of, and that it Plaintiff in severe danger for assault or even worse. Plaintiff did ask CPL Thorpe who made the housing request, but CPL Thorpe refused to answer. The Plaintiff knew it was from SGT Prince from the night before.
11. Plaintiff had a clean housing record, and should NOT have been re-housed to the "Frame", just because of the charges and where people in the "Frame" knew of Plaintiffs charges where he was threatened with violence, and had been assaulted already in Tower Housing Unit already.
12. Plaintiff tried to explain to CPL. Thorpe that with the charges against him, housing Plaintiff in the frame created undue stress, anxiety, fear and put Plaintiff in position to have undue harm done to him.

13. CPL. Thorpe is being sued in his individual and official capacity.
12. SGT. Prince is being sued in her individual and official capacity.
13. Being administrator, law maker for Monroe County, setting the rules of the Monroe County Jail, being an advocate for Monroe County for funds for Monroe County in Washington D.C. also making policies for Monroe County and being paid by Monroe County, Sheriff Todd Baxter is also being sued in his individual and official capacity.
14. Monroe County (municipality) is being named for their policy maker, lobbyist, law maker, training of Deputies, hiring of deputies on behalf of Monroe County itself, does make the County liable for the state actor, Sheriff Todd Baxter, to be liable for the Monroe County itself.
15. Accordingly, SGT. Prince and CPL Thorpe are all aware of the Plaintiff's charges and both have been deputies long enough to that the specific charges the Plaintiff had, there was a **REAL** threat to Plaintiff's well being and both wantonly ignored that very fact intentional and personally.
16. Monroe County Sheriff **TODD BAXTER** knew or should have known this type of action for disciplinary or to prove a point of his SGT.'s and CPL's was an ongoing problem and by not correcting the issue had violated the Plaintiff's clearly established rights to be safe and secure under the Sheriff.
17. Prior to this incident, Plaintiff was housed in 4S cell 29 where also assaulted by another I/I.
18. Plaintiff now suffers from loss of hearing in the left ear and permanent ringing in the same ear.
19. Plaintiff also suffers from "long Hauler Syndrome" due to the County Jail's ineffective protocols to protect the I/I population.

20. October 2, 2022 or thereo , after I/I was more and moved from the "Frame" cell block; the on duty deputy put I/I in a cell (to be named in discovery) with an all ethnic population where I/I was assaulted thevery next morning. Receiving a blow to to the face and specifically the faont rightsj w bone. To date I/I still has pain in that area.
21. Under PLRA, I/I did try and use the grievance system, even tho the system is non-funcfining leaving the I/I with untendable ways to address the Government a out a Constitutionalright voilation, which in turn does still let the I/I to file a action under 42 U.S.C. B1983 for PLRA is administrative action

PRAYER FOR RELIEF AN REMEDY

Under 2 U.S.C.A 1983, I/I does request the followwng relief and remedy fo the wantoningly, arbritrary and caprisicious with personal knowlege knwoledge, or shoulk have known the true events mentioned within this Motion.

With the ability to collect on anu jddgment th ough an workers insurance bond or other type of insurance and bonds that cover any of the alledged. Imme iate halt to moving vulnerable I/I into any harmful and dangerous situation a s well as:

MONETARY DAMAGES \$850,000.00
(eight hundred fifty thousand dollars)

PUNITIVE DAMAGES:

PTSD, intentional emotional distress, ongoing physical & psychological damage, retaliation, harassment, anxiety, depression, reasonable attorney cost, ongoing and future medical and psychological expenses, Marshal Costs, all postage costs, filing fees c r ed, pain and suffering

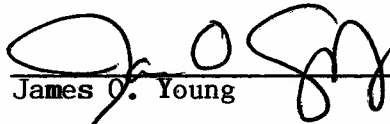
ADDED TO Above FOR j ny to award

relief requested is to be equitable and fair
to any and all related parties, and any juryaward
shall also be deemed the same.

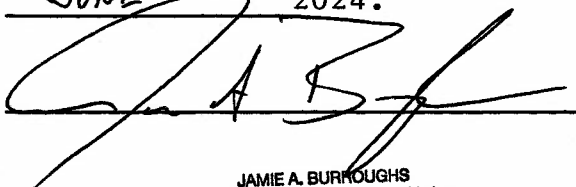
These above mentioned actions fall under preexisting and established
laws 1 Amend. "+Free Sppech", "Ability to redress grievances withthe
Government". 5 Amend. "Due Process of Law". 8 Amend. "To be free un-
-usual and crule punishment". 14 Amend. "Due Process and Equal Pro-
-tection of Law". Clearly Established Rights vua NY State Constitution
under bill of rights. Tese reights and this action have now "Stated a
Claim" where relief and remedy maybe sought.

**Any and all inforamtion herein is to be
believed and true, correct an with
personal knowledge un the law of perjury.

DATED: June 7 2024


James O. Young Pro-Se

sworn before me this 7th day of
JUNE 2024.



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WESTERN DISTRICT OF NEW YORK COUNTY OF MONROE

JAMES O. YOUNG

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42 U.SCA B1983

MONROE COUNTY (municipality)

Index No. 24-cv-6366-FPG

MONROE COUNTY SHERIFF "TODD BAXTER"

RJI No.

MONROE COUNTY "SGT. Prince"

MONROE COUNTY "CPL. Thorpe"

Jury Trial Demanded

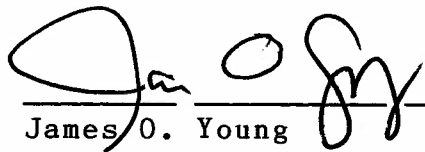
DEFENDANT

PLEASE LET IT BE KNOWN: the above mentioned Plaintiff, James O. Young, being part of this action and being duly sworn and deposed does hereby state:

Plaintiff is over the age of 18 years of age, a citizen of the United States of America and a resident of the State of New York. Plaintiff has mailed "True Copies" of all enclosed documents and;

Mailed to Defendants and or legal representation who are natural citizens and allowed to sign for service on behalf of any domestic corporations within New York state in their official or individual capacities.

DATED: June 7 2024


James O. Young Pro-Se

sworn before me this 7th day
of JUNE 2024.



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